

**HUMAN SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Proposing rule making related to PROMISE JOBS program  
and providing an opportunity for public comment**

The Human Services Department hereby proposes to amend Chapter 93, “PROMISE JOBS Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 239B.4 and 239B.17.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 239B.4 and 239B.17.

*Purpose and Summary*

Chapter 93 is proposed to be amended as part of the Department’s five-year rules review. This proposed rule making clarifies language, accurately reflects the job readiness and job search activities and updates case retention rules in the PROMISE JOBS program. These changes are technical in nature and will not have an impact on caseloads or program costs.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 30, 2022. Comments should be directed to:

Nancy Freudenberg  
Department of Human Services  
Hoover State Office Building, Fifth Floor  
1305 East Walnut Street  
Des Moines, Iowa 50319-0114  
Email: [appeals@dhs.state.ia.us](mailto:appeals@dhs.state.ia.us)

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **441—93.1(239B)**, definitions of “FaDSS” and “Limited benefit plan,” as follows:

“*FaDSS*” means the family development and self-sufficiency program operated under 441—Chapter 165, which provides in-home family development services to families at risk of instability or long-term welfare FIP dependency.

“*Limited benefit plan*” or “*LBP*” means a period of time in which a participant or member of a participant's family is either ineligible for any assistance under the family investment program or eligible for reduced assistance ~~only~~ in accordance with Iowa Code section 239B.9.

ITEM 2. Amend subrule 93.2(2) as follows:

**93.2(2) *Contracts with provider agencies.*** The department of human services may contract with the department of workforce development, the department of economic development, or other appropriate entity to provide PROMISE JOBS services and case management of those services.

a. No change.

b. *Record keeping.* All PROMISE JOBS agencies shall maintain PROMISE JOBS participant case files and records for at least ~~three~~ five years after FIP cancellation, in either paper or electronic format. Records shall be maintained for longer than ~~three~~ five years if any litigation, audit, or claim is started and not resolved during that period. In these instances, the records must be retained for ~~three~~ five years after the litigation, audit, or claim is resolved. Case files must be disposed of in accordance with applicable federal requirements pertaining to confidentiality.

c. *Confidentiality.* The departments of ~~education,~~ workforce development,~~—economic development,~~ and human rights, ~~local education agencies,~~ and all subcontractor provider agencies shall safeguard participant information in conformance with Iowa Code section 217.30. The department of human services and the PROMISE JOBS provider agencies may disclose participant information to other state agencies or to any other entity when that agency or entity must have that information in order to provide services to PROMISE JOBS participants that have been determined to be necessary for successful participation in PROMISE JOBS, if approved by the director of the department of human services or the director's designee, pursuant to a written request.

ITEM 3. Amend subrule 93.3(3) as follows:

**93.3(3) *Initial appointment.***

a. *FIP applicants.* FIP applicants, including those who are in a limited benefit plan, shall be offered an appointment with the PROMISE JOBS provider agency for orientation, assessment, and FIA development at the earliest available time. The provider agency shall make sufficient appointment times available to allow the applicant to be scheduled no later than ten calendar days after the date of the notice that FIA responsibility has begun, as required by rule 441—93.4(239B) and 441—paragraphs 41.24(1)“c,” 41.24(1)“d,” and 41.24(10)“g.”

b. *Exempt status change.* Persons who become FIA-responsible while receiving FIP shall initiate PROMISE JOBS orientation and FIA development by contacting the appropriate PROMISE JOBS office to schedule an appointment within ten calendar days of the mailing date of the letter explaining that exempt status has been lost and FIA responsibility has begun, as required by 441—subrule 41.24(5). If the person fails to schedule an appointment or fails to appear for an appointment, PROMISE JOBS

shall send one written reminder letter that informs the person that those who do not develop a family investment agreement shall enter into a limited benefit plan. If the person fails to schedule an appointment within ten calendar days of the written reminder letter or fails to appear for an appointment scheduled after the written reminder letter is sent, the person shall enter into a limited benefit plan as described at 441—paragraph 41.24(8)“c.”

ITEM 4. Amend subrule 93.3(4) as follows:

**93.3(4) Orientation.** Every person referred to PROMISE JOBS shall receive orientation services. PROMISE JOBS workers shall provide FIA orientation ~~if not previously provided by the department of human services.~~

a. No change.

b. Each applicant shall sign receive Form 470-3104, ~~Your FIA Rights and Responsibilities,~~ acknowledging confirming that information described in paragraph “a” of this subrule 93.3(4) “a” has been provided.

ITEM 5. Amend subrule 93.3(6) as follows:

**93.3(6) Workforce development registration.** Each applicant is required to ~~complete a current workforce development registration form as described at 877—subrule 8.2(3) when requested register for work with the department of workforce development, upon request by the PROMISE JOBS worker.~~

ITEM 6. Amend paragraph **93.4(2)“a”** as follows:

a. *Parents.* All parents who are not exempt from PROMISE JOBS shall be responsible for signing and carrying out the activities of the FIA. Parents of any age are exempt only if they are receiving Supplemental Security Income (SSI) or they ~~do not meet citizenship requirements~~ are not U.S. citizens and are not qualified aliens as defined in rule 441—40.21(239B). When the FIP eligible group includes a minor parent living with one or both parents or a needy specified relative who receives FIP, as described at 441—subparagraph 41.28(2)“b”(2), and none is exempt from PROMISE JOBS participation, each parent or needy specified relative is responsible for a separate FIA.

ITEM 7. Amend subparagraph **93.4(4)“a”(2)** as follows:

(2) The program goal for all participants is to be involved in PROMISE JOBS activities on a full-time basis unless problems or barriers prohibit this level of involvement. “Full-time” is considered as an average of at least 30 hours per week. Exceptions to full-time involvement are identified in rule 441—93.14(239B) and subrule 93.4(5).

ITEM 8. Amend subparagraphs **93.4(4)“b”(3)** and **(4)** as follows:

(3) Job readiness and job search activities, including job ~~club~~ readiness skills training and other activities that prepare a participant to search for or obtain employment, individual and structured job search, ~~workplace essentials training~~ unplanned job opportunities, mental health treatment, substance abuse treatment, or other rehabilitative activities, as described in rule 441—93.6(239B).

(4) Work activities, including part-time or full-time employment, self-employment, on-the-job training, work experience placement, or unpaid community service as described in rule 441—93.7(239B).

ITEM 9. Renumber subparagraph **93.4(4)“b”(9)** as **93.4(4)“b”(10).**

ITEM 10. Adopt the following **new** subparagraph **93.4(4)“b”(9):**

(9) Family violence option as described in subparagraph 93.4(5)“b”(4).

ITEM 11. Amend subparagraph **93.4(4)“c”(4)** as follows:

(4) ~~Unmarried parents aged 17 and younger~~ Parents under the age of 18 who are not married and who do not live with a parent or legal guardian shall include FaDSS, as described at 441—Chapter 165, or other family development services, as described in subrule 93.9(2), in the FIA. The FaDSS or other family development services shall continue after the parent reaches the age of 18 only when the participant and the family development worker believe that the services are needed for the family to reach self-sufficiency.

ITEM 12. Amend subparagraph **93.4(5)“a”(4)** as follows:

(4) ~~Sexual or Victim of domestic abuse history~~ violence or sexual abuse.

ITEM 13. Adopt the following **new** subparagraphs **93.4(5)“b”(4)** and **(5)**:

(4) Victims of domestic violence may include in their FIA the family violence option, which is a safety plan to address or attempt to prevent domestic violence. The family violence option may allow for a temporary waiver from participation in PROMISE JOBS activities when appropriate for the participant or participant’s situation.

(5) The PROMISE JOBS worker shall review the need for inclusion of a barrier to participation in the FIA at least once every six months to determine if the barrier continues to exist.

ITEM 14. Amend paragraph **93.4(8)“b”** as follows:

b. Participants who choose not to cooperate in the renegotiation process when requested by PROMISE JOBS shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 15. Amend subrules 93.5(8) and 93.5(9) as follows:

**93.5(8) Supportive payments allowed.** Except for assessment activities that occur on the same day as orientation, persons participating in assessment activities are eligible for child care assistance and transportation payments ~~for transportation and child care~~ needed to allow the scheduled participation as described at rule 441—93.11(239B). When make-up sessions are required, the participant shall not receive an additional transportation payment, but necessary child care assistance shall be paid.

**93.5(9) Failure to complete assessment.** Participants who do not complete assessments that are written into their FIA shall be considered to have chosen the limited benefit plan unless they have good cause. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 16. Amend rule 441—93.6(239B) as follows:

**441—93.6(239B) Job readiness and job search activities.** Job readiness and job search activities include job ~~club~~, readiness skills training and other activities that prepare a participant to search for or obtain employment, individual and structured job search, ~~workplace essentials training~~ unplanned job opportunities, substance abuse treatment, mental health treatment, and other rehabilitation activities. The participant and the PROMISE JOBS worker shall incorporate into the FIA the job readiness and job search activities that are appropriate for the goals, work history, skill level, and life circumstances of the participant.

**93.6(1) Job ~~club~~ readiness.** Job ~~club~~ readiness prepares participants to search for ~~work~~ or obtain employment. Job ~~club~~ readiness consists of job readiness skills training ~~in job-seeking skills and structured job search~~ other activities completed outside of a training session that prepare a participant to search for or obtain employment.

a. Delivery of services job readiness skills training. Job ~~club~~ readiness skills training is provided over a consecutive three-week period. Each week consists in scheduled sessions consisting of up to 30 hours of structured activity per week.

(1) ~~Generally, the first week of job club consists of job-seeking skills training and the next two weeks consist of structured group job search.~~

(2) ~~Based on local office need and resources, the 30 hours of job-seeking skills training may be completed over the first two weeks when the hours not spent in job-seeking skills training are spent in structured job search. The total time spent in each of the two weeks must meet the 30-hour requirement. The third week of job club is 30 hours of structured group job search.~~

b. Job-seeking Job readiness skills training. Job-seeking Job readiness skills training may include but is not limited to:

- (1) ~~Résumé development~~ Interests and skills assessment;
- (2) ~~Writing application and follow-up letters~~ Self-esteem building and motivational exercises;
- (3) ~~Completing job applications and interest and skills assessments~~ Identifying and eliminating employment barriers;

- (4) ~~Job retention skills~~ Résumé development;

- (5) ~~Motivational exercises~~ Completing job applications and follow-up letters;
- (6) ~~Identifying and eliminating employment barriers~~ Obtaining interviews and telephone skills;
- (7) ~~Self-marketing~~ Interviewing skills development;
- (8) ~~Finding job leads~~ Goal attainment planning;
- (9) ~~Obtaining interviews~~ Soft skills and life skills;
- (10) ~~Use of telephones for job seeking~~ Job market trends and finding job leads;
- (11) ~~Interviewing skills~~ Self-marketing and positive attitude building; and
- (12) ~~Financial education~~ Job retention skills.

c. ~~Structured job search~~ Other job readiness activities. A written plan shall be developed with each participant using Form 470-4481, Job Search Plan Agreement, indicating the number of job search hours required depending on family circumstances and other component activities listed on the participant's FIA. ~~Structured job search includes daily reporting to the job search site to access resources for job leads.~~ Job readiness may include activities that prepare the participant to search for or obtain employment and are completed outside of a training session. This includes activities such as but not limited to working individually with Iowa workforce development (IWD), bureau of refugee services (BRS), or FaDSS staff to develop a résumé, improve interview skills, or identify any of the other skills listed in paragraph 93.6(1) "b."

d. Attendance.

(1) ~~Daily attendance~~ Attendance is required during both the job-seeking when a participant is scheduled for job readiness skills training and structured job search or other job readiness activities unless the participant has good cause as described at rule 441—93.14(239B) or a barrier as described at subrule 93.4(5). Participants who miss any portion of the ~~job-seeking~~ job readiness skills training or ~~structured job search~~ may be required to either make up the missed portion of the sessions or to retake the entire week of training based on practical worker judgment and participant need.

(1) (2) Participants who obtain employment are required to continue the ~~job-seeking~~ job readiness skills training unless the scheduled ~~job club~~ training hours conflict with the scheduled hours of employment.

(2) ~~Participants who obtain employment averaging 30 hours or more per week may discontinue the structured job search portion of job club.~~

(3) ~~Participants who obtain employment averaging 20 hours per week or more but less than 30 hours per week may discontinue the structured job search portion of job club if part-time employment was the FIA goal or the scheduled job club hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with work hours.~~

(4) ~~Participants who obtain employment averaging less than 20 hours per week shall continue the structured job search portion of job club unless the scheduled job club hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with work hours.~~

e. Supportive payments allowed. Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed to participate in job club readiness skills training or other job readiness activities. The transportation payment shall be paid ~~in full at~~ before the start first scheduled day of participation.

(1) Participants who must repeat ~~the job-seeking~~ or make up any portion of job readiness skills training or structured job search because of absence due to reasons as described at rule 441—93.14(239B) shall receive an additional transportation payment as described at subrule 93.11(3) for each day that must be repeated and a child care payment ~~for needed child care assistance.~~ This rule applies only when the participant will have transportation costs that exceed the participant's original payment because of ~~repeating or making up~~ a portion of job club readiness skills training.

(2) Participants who must repeat ~~job-seeking~~ or make up any portion of job readiness skills training or structured job search as a result of absences due to reasons other than those described at rule 441—93.14(239B) shall not receive an additional transportation payment.

*f. Documenting job ~~club~~ readiness skills training or other job readiness participation.* ~~Participants shall provide documentation of job search activities~~ Hours of participation in job readiness skills training or other job readiness activities shall be documented as described at subrule 93.10(2).

*g. Failure to participate in job ~~club~~ readiness skills training activities.* Participants who without good cause do not appear for scheduled job ~~club~~ readiness skills training activities ~~or who fail to complete or document and submit job search contacts according to their written plan as stated in the FIA~~ shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

**93.6(2) Individual job search.** Individual job search shall be available to all participants, particularly those who have recent ties with the workforce, have successfully removed or reduced barriers to work, ~~or have completed job ~~club~~ or readiness skills training, or have completed education or training activities~~ and are now ready to work. Participants are not required to participate in individual job search full-time. Individual job search may be combined with other FIA activities to reach full-time equivalency. Hours of participation in individual job search shall be determined according to the participant's individual circumstances and be at a level that will reasonably allow the participant to successfully find full-time employment. If after three calendar months the participant still has not found employment, the worker shall review the participant's situation for possible barriers to employment or possible need for training to increase the participant's employability. Job search may continue if appropriate, but linking with other activities should be considered.

*a. Job search plan.* In consultation with the PROMISE JOBS worker, the participant shall design and provide a written plan of the individual job search activities on Form 470-4481, ~~Job Search Plan Agreement~~. The plan shall:

(1) to (4) No change.

(5) Be signed by the participant and the PROMISE JOBS advisor.

*b. Supportive payments allowed.* Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed for participation in individual job search. The transportation payment shall be paid in full at prior to the start of each designated period of the individual job search. Transportation payments for any missed days of job search activity shall be subject to transportation overpayment policies as described at subrule 93.11(3).

*c.* No change.

*d. Failure to participate in individual job search.* Participants who without good cause do not ~~complete~~ participate in the steps of the ~~written plan of the individual job search plan described at paragraph 93.6(2) "a"~~ shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

**93.6(3) Unplanned job opportunity.** PROMISE JOBS participants who have an unplanned opportunity to interview or apply for a job shall be encouraged to take advantage of the opportunity.

*a. Supportive payments allowed.* Child care assistance and transportation payments needed to make an unplanned job contact shall be provided as described at rule 441—93.11(239B) when the following conditions are met:

(1) and (2) No change.

(3) The participant provides documentation as described in paragraph ~~"b" of this subrule.~~ 93.6(3) "b." Payment shall be issued after documentation is received.

*b. and c.* No change.

**93.6(4) ~~Workplace essentials~~ Structured job search.** ~~The workplace essentials component consists of soft skills and life skills training.~~ Structured job search is designed with scheduled activities and required hours of participation to reflect proven job search techniques and the employment environment of the PROMISE JOBS service area. A PROMISE JOBS advisor is available to monitor the participant's progress in the participant's job search and to provide assistance and support. Structured job search provides up to 30 hours of scheduled activity. Hours of participation in structured job search shall be determined according to the participant's individual circumstance and may be full-time or at a level that will reasonably allow the participant to successfully find full-time employment.

*a. ~~Delivery of services Attendance.~~* Workplace essentials training is one 30-hour week in duration. Based on local office need and resources, the 30 hours may be completed over a two-week period. For the remainder of the 30 participation hours required in each week, participants must engage in other PROMISE JOBS activities. Participants are scheduled to appear daily at the PROMISE JOBS site to access resources for job leads. Participants who miss any portion of scheduled structured job search may be required to either make up the missed portion of the session or to retake the entire week of training based on practical worker judgment and participant need.

(1) Participants who obtain employment averaging 30 hours or more per week may discontinue structured job search.

(2) Participants who obtain employment averaging 20 hours or more per week, but less than 30 hours per week, may discontinue structured job search if part-time employment was the FIA goal or the scheduled job search hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with employment hours.

(3) Participants who obtain employment averaging less than 20 hours per week shall continue structured job search unless the scheduled job search hours conflict with the scheduled hours of employment. The participant may be required to participate in other FIA activities during the hours that do not conflict with employment hours.

*b. ~~Content.~~* Workplace essentials training may include but is not limited to:

- ~~(1) Identifying and setting goals.~~
- ~~(2) Self-esteem building.~~
- ~~(3) Emotional awareness.~~
- ~~(4) Relationship management.~~
- ~~(5) Conflict-resolution skills.~~
- ~~(6) Problem-solving skills.~~
- ~~(7) Decision-making skills.~~
- ~~(8) Time-management skills.~~
- ~~(9) Team-building skills.~~
- ~~(10) Networking skills.~~
- ~~(11) Listening skills.~~
- ~~(12) Positive thinking.~~
- ~~(13) Priority setting.~~
- ~~(14) Appropriate workplace behaviors.~~
- ~~(15) Cultural sensitivity.~~
- ~~(16) Workplace expectations.~~
- ~~(17) Stress management.~~

*b. ~~Job search plan.~~* PROMISE JOBS and the participant shall develop a written job search plan using Form 470-4481 at the beginning of the structured job search period. The plan shall:

(1) Contain a designated period for job search and the specific methods for finding job openings.  
(2) Specify the number of hours to be committed for the designated period so as to provide the most effective use of transportation funds.

(3) Specify the due date for providing documentation of job search activities.

(4) Contain information as specific as possible about areas of employment interests, employers to be contacted, and other pertinent factors.

(5) Be signed by the participant and the PROMISE JOBS advisor.

*c. ~~Supportive payments allowed.~~* Child care assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed to participate in workplace essentials structured job search.

*d. ~~Documenting participation.~~* The PROMISE JOBS worker shall verify and document each participant's monthly hours of actual participation in workplace essentials structured job search. Participant documentation shall be provided as described at subrule 93.10(2).

*e. Failure to participate in ~~workplace essentials structured job search~~.* Participants who without good cause do not complete ~~workplace essentials structured job search~~ as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

**93.6(5)** *Substance abuse treatment, mental health treatment, and other rehabilitative activities.* Substance abuse or mental health treatment or other rehabilitative activities are available when needed for a participant to be successful in participating in other FIA activities.

*a.* No change.

*b. Supportive payments allowed.* ~~Transportation and child~~ Child care assistance and transportation payments ~~shall be provided as described at rule 441—93.11(239B) are available for participating when needed to participate in substance abuse treatment, mental health treatment, or other rehabilitative activities when specified in the FIA.~~

*c.* No change.

*d. Failure to participate in treatment or other rehabilitative activities.* Participants who without good cause do not participate in substance abuse treatment, mental health treatment, or other rehabilitative activities as specified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 17. Amend subrule 93.7(1) as follows:

**93.7(1)** *Full-time or part-time employment.* FIAs may include full-time employment or part-time employment. Employment that does not lead to economic self-sufficiency may be included in the FIA only if the employment situation leads to better employment opportunities through building work skills and work history. See subrule 93.7(2) for additional policies applicable to self-employment.

*a. Full-time employment.* The goal for all participants is to participate in full-time employment. “Full-time employment” is defined as being employed an average of 30 or more hours per week.

(1) No change.

(2) Persons who choose not to enter into the renegotiation process to extend the FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

*b.* No change.

*c. Supportive payments allowed.* Transportation expenses are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Child care payments assistance shall be provided when needed as described at rule 441—93.11(239B) when needed for employment.

*d.* No change.

*e. Failure to provide verification.* Failure to provide verification of work hours after receiving a written reminder letter will result in a limited benefit plan.

*f. Failure to maintain employment.* A participant who without good cause does not maintain employment as identified in the FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 18. Amend paragraph **93.7(2)“d”** as follows:

*d. Requiring other FIA activities.* When a participant has been self-employed for more than 12 months and has not shown progress toward self-sufficiency, the FIA shall include the part-time self-employment in combination with participation in other PROMISE JOBS activities, unless barriers to participation exist as ~~described~~ defined in subrule 93.4(5) and rule 441—93.14(239B).

(1) No change.

(2) When the determination that a participant has not shown progress toward self-sufficiency is made after the initial FIA is developed, the FIA shall be renegotiated to include the other PROMISE JOBS activities. Participants who choose not to enter into the FIA renegotiation process shall enter into a limited benefit plan as described in 441—subrule 41.24(8). Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 19. Amend paragraph **93.7(2)“e”** as follows:

*e. Supportive payments allowed.* Transportation expenses are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Child care ~~payments~~ assistance shall be provided ~~when needed~~ as described at subrule 93.11(2) when needed for participation in self-employment.

ITEM 20. Amend paragraph **93.7(2)“g”** as follows:

*g. Failure to maintain employment.* Participants who without good cause do not maintain employment as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 21. Amend paragraph **93.7(3)“b”** as follows:

*b. Supportive payments.* Transportation for on-the-job training is treated in the same manner as transportation for employment. Expenses are not paid through PROMISE JOBS but are covered by FIP earned income deductions. Child care ~~payments~~ assistance shall be provided ~~when needed~~ as described at subrule 93.11(2) when needed for participation in on-the-job training.

ITEM 22. Amend paragraph **93.7(3)“d”** as follows:

*d. Failure to participate in on-the-job training.* Participants who without good cause do not participate in on-the-job training as identified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 23. Amend paragraph **93.7(4)“d”** as follows:

*d. Hours of participation.* When a participant is involved in work experience that is subject to the Fair Labor Standards Act (FLSA), the participant cannot be required to work more hours than the amount of the monthly FIP grant divided by federal or state minimum wage, whichever is higher. EXCEPTION: To determine the maximum hours that can be required of a single-parent family on FIP with a child under the age of six, add the value of the family's ~~food assistance~~ Supplemental Nutrition Assistance Program (SNAP) benefits to the FIP grant amount before dividing by the minimum wage.

(1) A participant cannot be required to work more hours than those calculated under paragraph ~~“d” of this subrule.~~ 93.7(4)“d.” Only hours up to or less than that calculation can be included in the participant's FIA.

(2) If two or more members of the same household participate in work experience, the total required hours of participation of the household cannot exceed the hours calculated according to paragraph ~~“d” of this subrule.~~ 93.7(4)“d.”

(3) No change.

ITEM 24. Amend subparagraph **93.7(4)“f”(1)** as follows:

(1) Child care and transportation. ~~Participants assigned to work experience shall receive a child Child care payment, if required, and a transportation payment for each month or part thereof as described at subrules 93.11(2) and 93.11(3). The portion of the transportation payment for job-seeking activities shall be determined by including the day of the job search obligation in the normally scheduled days used in the formulas described at subrule 93.11(3) assistance and transportation payments shall be provided as described at rule 441—93.11(239B) when needed for participation in work experience.~~

ITEM 25. Amend paragraph **93.7(4)“i”** as follows:

*i. Failure to participate in work experience.* A participant who without good cause does not participate in work experience as identified in the FIA shall be considered to have chosen the limited benefit plan. Procedures at ~~rule~~ subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 26. Amend subparagraph **93.7(5)“c”(1)** as follows:

(1) For a participant who is a single parent with a child under the age of six, the maximum hours that can be required are determined by adding the value of the participant's ~~food assistance~~ SNAP to the FIP grant amount before dividing by the minimum wage.

ITEM 27. Amend paragraph **93.7(5)“e”** as follows:

*e. Supportive payments.* ~~A child~~ Child care payment assistance and a transportation payment for each month of participation or part thereof shall be paid as described at rule 441—93.11(239B) ~~if these services are required when needed for participation in unpaid community service.~~

ITEM 28. Amend paragraph **93.7(5)“g”** as follows:

*g. Failure to complete unpaid community service.* Participants who without good cause do not participate in unpaid community service as specified in their FIA shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 29. Amend subrule 93.8(1), introductory paragraph, as follows:

**93.8(1) Participant requirements.** The decision to include education in an FIA shall take into account the results of the educational evaluation pursuant to paragraph ~~“b” of this subrule 93.8(1)“b”~~ and the current educational level of the participant. Prior academic or vocational training is not, in itself, a reason for denial or approval of educational services. All family members who are approved for education shall be eligible for all program benefits, even when two or more family members are simultaneously participating and even if participation is at the same educational facility and in the same program. For education to be approved for inclusion in an FIA, the following requirements shall be met.

ITEM 30. Amend paragraph **93.8(1)“b,”** introductory paragraph, as follows:

*b. ~~Evaluation~~ Educational evaluation. An educational evaluation shall be completed according to subrule 93.5(3) before postsecondary education is included as an FIA activity. A participant under the age of 19 does not need to complete an educational evaluation in order to have high school completion included in the FIA. ~~For every other training activity, an educational evaluation shall be completed according to this paragraph before the activity is included as part of a participant’s FIA.~~*

ITEM 31. Amend paragraph **93.8(2)“b”** as follows:

*b. Time and attendance.* The provider must verify the participant’s actual hours attending of attendance in an educational activity must be verified with Form 470-2617 pursuant to subrule 93.10(2). If the educational activity is structured in such a way that verification cannot be obtained or the educational provider is unwilling to provide time and attendance verification, the educational activity cannot be included in the participant’s FIA. Exceptions apply for distance learning as described at paragraph 93.10(2)“f” and for participants under age 20 as described at subparagraph 93.10(2)“b”(3).

ITEM 32. Amend paragraph **93.8(3)“f”** as follows:

*f. ~~On-line~~ Online or distance learning.* Distance learning includes training such as, but not limited to, that conducted over the Iowa communications network, ~~on-line~~ online courses, virtual courses, or Web conferencing. The training:

- (1) Must include interaction between the instructor and the student, such as required chats or message boards;
- (2) Must include mechanisms for evaluation and measurement of student achievement; and
- (3) Must be offered in Iowa unless the conditions in paragraph ~~“g” of this subrule 93.8(3)“g”~~ apply. An ~~on-line~~ online training program shall be considered an out-of-state training program when any of the required training or testing occurs out-of-state.

ITEM 33. Amend subrule 93.8(4), introductory paragraph, as follows:

**93.8(4) Nonapprovable training activities.** Nonapprovable training activities shall not be included in the FIA. When an activity in which the participant is enrolled becomes nonapprovable, PROMISE JOBS shall cancel the current training plan and require the participant to renegotiate the FIA to include other activities. ~~Form 470-0602, Notice of Decision: Services,~~ shall be issued to inform the participant that the request for education is canceled. Nonapprovable activities include the following:

ITEM 34. Amend paragraph **93.8(5)“a,”** introductory paragraph, as follows:

*a. Academic enrollment hours.* Participants are encouraged to maintain as full an academic workload as is possible in order to complete their education in a timely manner. However, a person

may choose to participate in education along with other activities such as employment, job-seeking job readiness skills training, other job readiness activities, or other FIA activities.

ITEM 35. Amend paragraph **93.8(6)“a”** as follows:

*a. Eligibility.*

(1) No change.

(2) Participant eligibility for ~~payment of~~ child care assistance and transportation ~~and child care~~ payments begins as described in subparagraph 93.8(6)“a”(1) and shall be terminated when a training plan is canceled.

(3) Each participant in postsecondary vocational training is limited to 24 fiscal months of PROMISE JOBS payment of expenses needed for participation. The 24 fiscal months do not have to be consecutive. See paragraph ~~“b” of this subrule~~ 93.8(6)“b” for additional limits on child care expenses.

(4) No change.

ITEM 36. Amend paragraph **93.8(6)“b”** as follows:

*b. Child care.* ~~Participants assigned to educational activities shall receive a child~~ Child care payment, if required, for each month or part thereof assistance shall be provided as described at subrule 93.11(2) and 441—Chapter 170 when needed for participation in education and training activities except as described in subparagraphs 93.8(6)“b”(1) and 93.8(6)“b”(2). EXCEPTION: Each PROMISE JOBS participant is limited to 24 fiscal months of child care assistance.

(1) ~~All child~~ Child care assistance payments issued under the PROMISE JOBS program count ~~toward this limit~~ needed for participation in postsecondary education activities are limited to 24 fiscal months.

(2) All child care assistance payments issued for child care ~~provided on or after March 1, 2009, for participation in postsecondary education activities~~ count toward this limit, including payments issued while the person was not a PROMISE JOBS participant, pursuant to 441—subparagraph 170.2(2)“b”(1).

ITEM 37. Amend paragraph **93.8(6)“c,”** introductory paragraph, as follows:

*c. Transportation.* ~~Participants assigned to educational activities shall receive a transportation payment for each month or part thereof~~ Transportation payments shall be provided as described at subrule 93.11(3) when needed for participation in educational activities unless transportation payments are available from another source. Transportation needed for participation in education activities is subject to the limits described in paragraph 93.8(6)“a.”

ITEM 38. Amend paragraph **93.8(9)“a”** as follows:

*a. Failure to participate.* The participant fails to maintain education activities or follow training plan requirements as specified in the participant's FIA, and the participant does not have good cause. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 39. Amend paragraph **93.9(1)“a”** as follows:

*a. Parents aged 20 or older.* For parents who are aged 20 or older when the FIA is signed, activities that strengthen the participant’s ability to be a better parent can be considered approvable training under PROMISE JOBS and may be included in the FIA as long as the participant is active in at least one other PROMISE JOBS component. Parents aged 20 or older who do not carry out the parenting skills training described in the FIA shall be considered to have chosen the limited benefit plan, unless good cause exists or family circumstances warrant renegotiation and amendment of the FIA. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 40. Amend subparagraph **93.9(1)“c”(3),** introductory paragraph, as follows:

(3) Area education agencies; child abuse prevention programs; child and adult food program sponsors; child care resource and referral agencies; family resource centers; maternal and child health centers; family development and self-sufficiency program grantees and other family development providers; Head Start, Head Start parent and child centers, and Early Head Start programs; Iowa State University Extension services ~~such as, but not limit to, the “Best Beginnings” program;~~ private nonprofit social service agencies; and young parent support and information organizations. Services shall be limited to:

ITEM 41. Amend paragraph **93.9(1)“e,”** introductory paragraph, as follows:

*e.* Supportive payments. For participants described in paragraphs 93.9(1)“a” and 93.9(1)“b,” a child care payment assistance and a transportation payment for each month of participation, or part thereof, payments shall be provided as described at subrule 93.11(3), shall be paid if these services are when needed for participation in parenting skills training and not available from another entity and are required for participation source.

ITEM 42. Amend paragraph **93.9(1)“g,”** as follows:

*g.* Failure to complete parenting skills training. Parents aged 19 or younger who do not include parenting skills training in the FIA or do not carry out the parenting skills training described in the FIA shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 43. Amend paragraph **93.9(2)“b,”** as follows:

*b.* Inclusion of family development services by participants as a family investment agreement activity is voluntary except for unmarried parents aged 17 and younger under the age of 18 who are not married and who do not live with a parent or legal guardian as described at subparagraph 93.4(4)“c”(4).

ITEM 44. Amend paragraph **93.9(3)“a,”** introductory paragraph, as follows:

*a.* ~~The department of human services worker or the~~ PROMISE JOBS worker shall:

ITEM 45. Amend paragraph **93.10(1)“a,”** as follows:

*a.* *Notice of meetings, assignments, and issues.* PROMISE JOBS shall notify participants in writing of all scheduled meetings, of FIA activity and work-site assignments, and of any participation issues as described at rule 441—93.13(239B). PROMISE JOBS shall also notify the participant in writing when the participant is required to provide medical documentation, verification of hours of participation, employment verification, or any other verification.

(1) PROMISE JOBS shall allow a participant ~~five~~ ten working days from the date notice is mailed to appear for scheduled meetings unless the participant agrees to an appointment that is scheduled to take place in less than ~~five~~ ten working days.

(2) PROMISE JOBS shall allow a participant ~~five~~ ten working days from the date notice is mailed to appear for an FIA activity or work-site assignment or to provide medical documentation, employment verification, or any other verification, except as otherwise specified in subrule 93.10(2).

(3) No change.

ITEM 46. Amend subrule 93.10(2) as follows:

**93.10(2) *Verification of participation and progress.*** Hours of participation and a participant’s progress in FIA activities must be documented and verified. When the participant is responsible for providing the verification, PROMISE JOBS shall notify the participant in writing as required in subrule 93.10(1).

*a.* *FIA activities directly monitored by PROMISE JOBS.* When the FIA activities are provided or directly monitored by PROMISE JOBS staff, such as job ~~club~~ readiness skills training or workplace essentials structured job search, the staff ~~will~~ shall document the participant’s hours of attendance and progress in the case file.

*b.* *FIA activities not directly monitored by PROMISE JOBS.* When FIA activities are provided by a service provider other than PROMISE JOBS, the provider shall verify the participant’s hours of attendance with Form 470-2617, ~~PROMISE JOBS Time and Attendance Report,~~ unless another method is required by this rule.

(1) The provider is expected to specify the participant’s hours of attendance and to sign and date the Time and Attendance ~~Report~~ form.

(2) The participant is responsible for providing the signed and dated Time and Attendance form to PROMISE JOBS within ten calendar days following the end of each month, unless the provider provides the form to PROMISE JOBS within this time frame.

(3) EXCEPTION: If the participant is under age 20 and in high school or high school equivalency classes, the participant may verify the hours by completing and submitting the PROMISE JOBS Form 470-2617, Time and Attendance, Report monthly. The training provider does not need to sign the form.

c. *Documentation of job search.* The participant shall complete and provide documentation of any job search activities that cannot be verified by the PROMISE JOBS worker. The participant shall provide Form 470-3099, Job Search Record, within ten calendar days following the end of each month during which the participant has made a job search. The PROMISE JOBS worker shall consider the Job Search Record Activity Log complete if the form includes:

(1) to (4) No change.

d. *Employment verification.* Participants shall verify actual hours of employment at the time that employment begins, upon FIP approval if employed at the time of application, when changes in hours occur, and no less than once every six months thereafter. Participants may use employer statements or copies of pay stubs, Employer Statement of Earnings Form 470-2844, or may sign Form 470-0429, Consent to Obtain and Release Information, so that the employer may provide information directly to the PROMISE JOBS worker. Participants shall provide verification of actual hours of employment within five ten working days of the written request from PROMISE JOBS.

e. *Documentation of self-employment.* At the time of the participant's FIA review, a self-employed participant shall provide documentation of actual hours worked and gross income and business expenses from the last 30 days. Data from more than 30 days may be requested if the last month is not indicative of normal business. The participant shall provide documentation within five ten working days of the written request from PROMISE JOBS.

f. No change.

g. *Failure to provide required documentation or verification.* Participants who fail to provide documentation or verification as described in this subrule after written notification from PROMISE JOBS as described in subrule 93.10(1) shall be considered to have chosen the limited benefit plan. Procedures at rule subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

ITEM 47. Amend subrule 93.10(3) as follows:

**93.10(3) Verification of problems or barriers.** Participants may be required to provide written verification or supporting documentation of reported problems or barriers to participation, such as but not limited to lack of transportation, family emergency, or existence of a mental or physical disability or limitation or substance abuse.

a. *Medical documentation.* A participant shall secure and provide written documentation signed by a qualified medical or mental health professional to verify a claimed illness or disability within five ten working days of a written request by PROMISE JOBS. This time limit may be extended due to individual circumstances, such as the need to obtain an updated evaluation. Acceptable verification includes Form 470-0447, Report on Incapacity, or other statement signed by a qualified medical or mental health professional to verify the existence of an illness, disability, or limitation.

b. *Other documentation.* A participant shall secure and provide written documentation to verify a claimed problem or barrier to participation within five ten working days of a written request by PROMISE JOBS. Acceptable documentation may include a signed statement from a third party with knowledge of the problem or barrier.

c. *Failure to verify problem or barrier or to provide medical documentation.* Failure to provide verification of a problem or barrier or to provide medical documentation as described at subrule 93.10(3) does not directly result in the imposition of a limited benefit plan. Examples of actions that do not directly result in a limited benefit plan include, but are not limited to, failure to provide Form 470-0447, Report on Incapacity, or other statement from a medical or mental health professional to verify the existence of an illness or disability, or a statement from a third party with knowledge about the problem or barrier.

(1) Participants who claim an inability to participate on a full-time basis due to a claimed problem or barrier and who fail to provide verification or medical documentation upon written request may be required to renegotiate the FIA to include full-time participation in FIA activities. Failure to renegotiate

the FIA may result in a limited benefit plan. Procedures at subrule 93.4(5) and rules 441—93.13(239B) and 441—93.14(239B) shall apply.

(2) No change.

ITEM 48. Amend rule 441—93.11(239B), introductory paragraph, as follows:

**441—93.11(239B) Supportive payments.** In order to facilitate successful participation, PROMISE JOBS may provide payment for the expenses listed in this rule. ~~Participants~~ Upon written request from PROMISE JOBS, participants shall submit Form 470-0510, Estimate of Cost, or other acceptable estimate of costs, to initiate payments or change the amount of payment for expenses other than child care.

ITEM 49. Amend subparagraph **93.11(2)“a”(1)** as follows:

(1) Care is needed for participation in any PROMISE JOBS activity other than orientation or assessment activities that occur before the FIA is signed,

ITEM 50. Amend paragraph **93.11(3)“a”** as follows:

*a. Exclusions.*

(1) A transportation payment is not available for orientation or for assessment activities that occur ~~on the same day as orientation~~ before the FIA is signed.

(2) A transportation payment is not available for employment. Participants who are employed shall be entitled to the ~~work expense~~ earned income deduction described at 441—paragraph 41.27(2)“a” to cover transportation costs associated with employment.

ITEM 51. Amend paragraph **93.11(5)“d”** as follows:

*d. Workforce ~~Investment~~ Innovation and Opportunity Act.* PROMISE JOBS funds may also be used to pay expenses for PROMISE JOBS participants enrolled in federal Workforce ~~Investment~~ Innovation and Opportunity Act (WIA WIOA) funded services or activities when those expenses are allowable under these rules.

ITEM 52. Amend subrule 93.12(3), introductory paragraph, as follows:

**93.12(3)** A PROMISE JOBS overpayment shall be recovered through repayment in part or in full. Repayments received by the PROMISE JOBS unit shall be transmitted to the Department of Human Services, Cashier’s Office, ~~Room 14, 1305 E. Walnut Street, Des Moines, Iowa 50319-0144~~ 50319-0114.

ITEM 53. Amend subrule 93.12(5) as follows:

**93.12(5)** When a participant or a provider has been referred to the DIA to initiate recovery, the DIA shall use the same methods of recovery as are used for the FIP program, described at DIA administrative rules ~~481—71.1(10A) 481—90.1(10A) to 71.9(10A) 481—90.9(10A),~~ except that the FIP grant shall not be reduced to effect recovery without the participant’s written permission.

*a.* When the participant requests grant reduction on Form 470-0495, ~~Repayment Contract,~~ the grant will be reduced for repayment as described in ~~441—subrule 46.25(3), paragraphs “a,”~~ 441—paragraphs 46.25(3)“a,” “b,” and “c.”

*b.* No change.

ITEM 54. Amend subrule 93.13(1), introductory paragraph, as follows:

**93.13(1) Notification of participation issue.** When participants appear to be choosing a limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall send one written reminder ~~or letter~~ as specified in subrule 93.10(1). The written reminder ~~or letter~~ shall:

ITEM 55. Amend subrule 93.13(2) as follows:

**93.13(2) Participation issues.** Actions that may cause participants to be considered as having chosen the limited benefit plan when the participant does not have a problem or barrier to participation as defined at paragraph 93.4(5)“a” or rule 441—93.14(239B) are:

*a. Tardiness.* Participants who are more than 15 minutes late to a scheduled FIA activity for a third time within three months of the first tardiness, ~~after receiving~~ PROMISE JOBS sends one written reminder letter at the time the second tardiness occurred.

b. *Failure to attend scheduled activities.* Participants who do not, for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence, appear for scheduled appointments, participate in assessment activities, including taking required vocational or aptitude tests, complete or provide required forms other than those described at subrule 93.10(3) or are absent from activities designated in the FIA.

c. *Absence from work experience.* Participants who do not, for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence, notify work experience sponsors or the PROMISE JOBS worker of an absence within one hour of the time at which they are due to appear.

d. *Disruptive behavior.* Participants who exhibit disruptive behavior for a second time after ~~receiving~~ PROMISE JOBS sends one written reminder letter at the first occurrence. “Disruptive behavior” means the participant hinders the performance of other participants or staff, refuses to follow instructions, uses abusive language, or is under the influence of alcohol or drugs.

e. *Unsatisfactory performance or participation.* Participants whose performance or participation in an FIA activity continues to be unsatisfactory after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

f. *Physical threats.* Participants who make physical threats to other participants or staff and do not demonstrate that the participant is not at fault by providing written documentation from a doctor, licensed psychologist, probation officer, or law enforcement official after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

(1) and (2) No change.

g. *Accepting work experience assignments.* Participants who do not accept work experience assignments when the work experience is part of the FIA and do not demonstrate a problem or barrier that caused the failure after PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1).

h. *Work experience interviews.* Participants who do not appear for work experience interviews for a second time after ~~receiving a~~ PROMISE JOBS sends one written reminder letter as described in subrule 93.13(1) at the first occurrence.

i. *Employment and other work activity issues.* Participants who do not follow up on job referrals, who refuse offers of employment or other work activity, who reduce hours of employment or other work activity, who terminate employment or other work activity, or who are discharged from employment or other work activity due to misconduct.

(1) No change.

(2) At the time of the occurrence, PROMISE JOBS shall send a letter to the participant regarding the misconduct. The letter shall give the participant an opportunity to resolve the issue by accepting a previously refused employment offer if available, returning to previously terminated employment, if available, obtaining comparable employment, or demonstrating a problem or barrier that caused the failure.

j. No change.

k. *Inappropriate use of funds.* Participants for whom child care, transportation, or educational services become unavailable as a result of failure to use PROMISE JOBS funds or child care assistance funds to pay the provider or failure to provide required receipts and who do not demonstrate a problem or barrier that caused the failure after PROMISE JOBS sends one written reminder letter.

l. No change.

m. *Failure to renegotiate the FIA.* When a participant fails to respond to the PROMISE JOBS worker’s request to renegotiate the FIA because the participant has not attained self-sufficiency by the date established in the FIA, after PROMISE JOBS sends one written reminder letter, a limited benefit plan shall be imposed regardless of whether the request to renegotiate is made before or after expiration of the FIA.

ITEM 56. Amend paragraph **93.14(2)“m”** as follows:

*m.* The employment would result in the family of the participant experiencing a net loss of cash income. Net loss of cash income results if the family’s gross income less necessary work-related expenses is less than the cash assistance the person was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance. Gross income does not include ~~food stamp~~ SNAP benefits and in-kind income.

ITEM 57. Renumber subrule **93.15(5)** as **93.15(6)**.

ITEM 58. Adopt the following **new** subrule 93.15(5):

**93.15(5)** *Recovery of assistance when a new limited benefit plan is established.* Assistance issued pending the final decision of the appeal is not subject to recovery when a new limited benefit plan period is established. A new limited benefit plan period shall be established when the department is affirmed in a timely appeal of the establishment of the limited benefit plan. All of the following conditions shall exist:

*a.* The appeal is filed either:

(1) Before the effective date of the intended action on the notice of decision or notice of action establishing the beginning date of the limited benefit plan, or

(2) Within ten days from the date on which a notice establishing the beginning date of the limited benefit plan is received. The date on which notice is received is considered to be five days after the date on the notice, unless the intended recipient shows that the recipient did not receive the notice within the five-day period.

*b.* Assistance is continued pending the final decision of the appeal.

*c.* The department’s action is affirmed.

ITEM 59. Amend renumbered paragraph **93.15(6)“a”** as follows:

*a.* When any involved party is dissatisfied with the department’s final decision, the dissatisfied party shall be informed of the right to appeal the issue to the Secretary of Labor, Office of Administrative Law Judges, U.S. Department of Labor, ~~Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036~~, within 20 days of receipt of the decision. The department may assist with the appeal upon request.

ITEM 60. Amend subrule 93.17(3), introductory paragraph, as follows:

**93.17(3)** Any dissatisfied party shall be informed of the right to appeal the decision of the department to the Secretary of Labor, Office of Administrative Law Judges, U.S. Department of Labor, ~~Vanguard Building, Room 600, 111 20th Street N.W., Washington, DC 20036~~, within 20 days of the receipt of the department’s final decision.